

Attachment 2 - EEOC Complaint Form

2021 JUL 14 PM 4:11

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DIVISION

CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY

Kayla E Russ

12600 Avery Ranch Blvd #624

Cedar Park, Texas 78613

(Name of plaintiff or plaintiffs)

Civil Action Number

1:21 CV 0623 RP

v.

Ettain Group / Ettain Health (formerly Leidos Health)

(Supplied  
by Clerk's Office)

127 W. Worthington Ave Suite 100

Charlotte, North Carolina 28203

(Name of defendant or defendants)

**COMPLAINT**

1. This action is brought by Kayla E Russ, Plaintiff,  
pursuant to the following selected jurisdiction:

**(Please select the applicable jurisdiction)**

- ☐ Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment  
Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment),  
religion or national origin.
- ☐ The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- ☐ The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- ☐ The Equal Pay Act (29 USC § 206(d)) (EPA).
- ☐ The Rehabilitation Act of 1973 (29 USC § 791 et seq.) (Applicable to federal employees  
only).

2. Defendant Ettain Health (formerly Leidos Health) Defendant's name) lives  
at, or its business is located at 127 W. Worthington Ave Suite 100  
(street address), Charlotte (city), North Carolina  
(state), 28203 (zip).

- 3a. Plaintiff sought employment from the defendant or was employed by the defendant at 11700 Lebanon Road #1717 (street address), (city), Frisco, Texas (state), 75035 (zip).
- 3b. At all relevant times of claim of discrimination, Defendant employed over 1,500 (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had N/A (#) members.
4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about April (month) 14 (day) 2020 (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: April 13 and April 14, 2020
5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about July (month) 28 (day) 2020 (year). (Not applicable to federal civil service employees).
- 6a. The E.E.O.C. issued a **Notice of Right to Sue** which was received by plaintiff on April (month) 15 (day) 2021 (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

**VERY IMPORTANT NOTE:** PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.

- 6b. Please indicate below if the E.E.O.C issued a **Determination** in your case:

☒ Yes  
☐ No

**VERY IMPORTANT NOTE:** IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT

7. Because of plaintiff's:

(Please select the applicable allegation(s))

- ☐ Race (If applicable, state race) \_\_\_\_\_
- ☐ Color (If applicable, state color) \_\_\_\_\_

- ☐ Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim)
- ☐ Religion (If applicable, state religion) \_\_\_\_\_
- ☐ National Origin (If applicable, state national origin) \_\_\_\_\_
- ☐ Age (If applicable, state date of birth) \_\_\_\_\_
- ☒ Disability (If applicable, state disability) Mental Health Disability/ Bipolar Disorder
- ☐ Prior complaint of discrimination or opposition to acts of discrimination.  
(Retaliation) (If applicable, explain events of retaliation) \_\_\_\_\_

The defendant: (please select all that apply)

- ☐ failed to employ plaintiff.
- ☒ terminated plaintiff's employment.
- ☐ failed to promote plaintiff.
- ☐ harassed plaintiff.
- ☐ other (specify) \_\_\_\_\_

8a. State **specifically** the circumstances under which defendant, its agent, or employees discriminated against plaintiff **PERSONALLY**:

**VERY IMPORTANT NOTE:** INCLUDE SPECIFIC DATES, SPECIFIC EVENTS,  
AND ANY SPECIFIC COMMENTS MADE BY  
DEFENDANT PERTAINING TO THE  
DISCRIMINATION CLAIM ALLEGED ABOVE.

Plaintiff was hospitalized and contacted employer/defendant during stay to discuss absence and client inquiries of plaintiff. During the hospital stay, Joe Barrett (employer manager) made and received calls to/from hospital landline. Employer manager discovered plaintiff was hospitalized in a mental institution and made decision to terminate plaintiff after no previous complaints or issues with plaintiff's work ethic. Defendant employer deceitfully blamed termination on client, which was later found out from a recorded phone conversation with client manager that the decision to terminate was not by the client. Client and plaintiff employee were given differing stories about reasons for contract needing to end.

8b. List any **witnesses** who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

Courtney Colbert, client manager

8c. List any **documentation** that would support plaintiff's allegations and explain what the documents will prove:

- + Voicemails and text messages expressing desire to extend contract, being pleased with the work the plaintiff had done, the need for the plaintiff to stay on the project after layoffs/pandemic cutback.
- + The voicemail of the termination notification falsely indicating the client terminated.
- + Email from client manager from her personal email to the plaintiff's personal email checking on Kayla after supposedly terminating contract, which would be contradictory to have concerns after terminating employment if displeased enough to terminate plaintiff.
- + An audio recording from client manager (Courtney Colbert) stating that the client was not the one who made the decision to terminate.
- + Audio recording of conversation with corporate attorney stating the reason for termination was the plaintiff being missing from work for weeks and admission that the information he received does not line up with the facts the plaintiff stated, since it had been 2.5 days.

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

- ☐ still being committed by defendant.  
☒ no longer being committed by defendant.

10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

- ☐ Defendant be directed to employ plaintiff.  
☐ Defendant be directed to re-employ plaintiff.  
☐ Defendant be directed to promote plaintiff.  
☒ Defendant be directed to award monetary relief to plaintiff  
and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

July 14, 2021

Date

Signature of Plaintiff

12600 Avery Ranch Blvd #624

Address of Plaintiff

Cedar Park, Texas 78613

City

State

Zip Code

(816) 824-0789

Telephone Number(s)